



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/686,462

10/15/2003

Steven Kirk Donoho

124256.0401

7085

21269 7590 11/24/2009
PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH, PA 15219

EXAMINER

CHANG, EDWARD

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

11/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/686,462	Applicant(s) DONOHO ET AL.	
	Examiner EDWARD CHANG	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-79 is/are pending in the application.
- 4a) Of the above claim(s) 44-58 and 60-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42, 43, 59, 63-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the RCE filed on 31st of August 2009.
2. Claims 1-41 are canceled.
3. Claims 73-79 were newly added.
4. Claims 42, 43, 59, and 63-79 are currently pending and have been examined.

Response to Arguments

5. Applicant's arguments filed 31st of August 2009 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.
6. With regard to the limitations of claims 42 and 71, applicant argues "...receiving, on a periodic basis, data from at least one source, wherein the received data comprises a plurality of transactions relating to securities trading and a plurality of entities involved in securities trading, asd123aswherein the plurality of transactions and the plurality of entities are not predetermined to be related." The Examiner respectfully disagrees. Please see the citation given in the rejection below. Secondly, applicant argues "...Kaplan does not disclose identifying common elements between the transactions and the entities..." The Examiner respectfully disagrees. First of all, "common elements" is too broad. Therefore the citations where it teaches "...processing the plurality of raw information or informations for the particular item..." (Column 2, Lines 58~61) clearly teaches this limitation; where "particular item" equates to common element. Also,

Art Unit: 3691

applicant argues "...Kaplan fails to disclose determining whether a relationship exists among the transactions and entities that exhibit the identified common elements..." The Examiner again respectfully disagrees. In order to "...generate a processed collective information for the item...", it is obvious that relationships among transactions and entities needs to be determined. Lastly, applicant argues "...Sinclair analyzes actions that are predetermined to be related because they are performed by a single individual. In contrast, claim 42 requires analyzing a plurality of transactions relating to securities trading and a plurality of entities involved in securities trading..." The Examiner again respectfully disagrees. First of all, "...analyzing a plurality of transactions relating to securities trading and a plurality of entities involved in securities trading..." is taught by Kaplan as disclosed in the below rejection. Kaplan also discloses "...communicating the processed collective information to the second entities..." (column 2, Line61~62), however it does not specifically state generating an alert. Therefore examiner decided to add Sinclair to teach this.

7. In regards to other arguments and newly added claims, please see the rejections below.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 3691

10. Claims 42, 43, 63~66, and 69~72 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kaplan (US 7,155,510 B1) in view of Sinclair et al. (hereinafter "Sinclair"); (US 2002/0138461 A1).

As per Claims 42 and 71:

Kaplan as shown discloses the following limitations:

- *receiving, on a periodic basis, data from at least one source, wherein the received data comprises a plurality of transactions relating to securities trading and a plurality of entities involved in securities trading, wherein the plurality of transactions and the plurality of entities are not predetermined to be related;* (See at least Column 4, Line 64+, "...gathering individual forecasts from a plurality individuals or other entities...")
- *accessing a scenario library to identify a detection algorithm for identifying a behavior of interest indicative of a risk to a brokerage or its investors;* (See at least Column 5, Line 18+, "...wide range of algorithms can be used and are desirably chosen...")
- *applying the detection algorithm to identify common elements between a plurality of the transactions and a plurality of the entities in the received data to determine whether the common elements are collectively indicative of the behavior of interest;* (See at least Column 5, Line 16+, "...processing algorithms that receive as inputs...")
- *determining, by a computing device, whether one or more relationships exist among the transactions and the entities that exhibit the common element; and* (See at least Column 3, Line 10+, "...generating a collective information for a particular item...")

However Kaplan does not specifically disclose following limitation. But Sinclair discloses the following limitations.

- *if so, generating an alert informing a user of the related transactions and entities that exhibit the common elements.* (See at least Page 2, Paragraph 0016+, "...provide a alerting mechanism...")

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Kaplan's method/system for forecasting information as taught by Sinclair's behavior detection system to gather data and transform it to generate alerts when undesired behavior is detected. This would help the investor to efficiently and effectively manage and utilize the result generated.

As per Claims 43 and 72:

Combination of Kaplan and Sinclair discloses the limitations as shown in the rejections above.

Furthermore, Kaplan also discloses the following limitations:

- *detection processing using neural networks.* (See at least Column 14, Line 46+, "...processing algorithm for generating collective forecasts...", neural networks = Artificial Intelligence (AI) = processing algorithm)

As per Claim 63:

Combination of Kaplan and Sinclair discloses the limitations as shown in the rejections above.

Furthermore, Kaplan also discloses the following limitations:

- *prioritizing the one or more relationships, wherein the prioritizing is based on user defined logic and values; and* (See at least Column 1, Line 62+, "...sort through the information generated by the masses...", sorting=prioritizing, it is obvious that sorting is defined by logic and values)

However Kaplan does not specifically disclose following limitation. But Sinclair discloses the following limitations.

- *generating one or more alerts based on one or more of the prioritized relationships.* (See at least Page 2, Paragraph 0016+, "...provide an alerting mechanism...")

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Kaplan's method/system for forecasting information as taught

Art Unit: 3691

by Sinclair's behavior detection system to gather data and transform it to generate alerts when undesired behavior is detected. This would help the investor to efficiently and effectively manage and utilize the result generated.

As per Claim 64:

Combination of Kaplan and Sinclair discloses the limitations as shown in the rejections above.

Furthermore, Kaplan also discloses the following limitations:

- *determining whether one or more relationships exist comprises prioritizing the determined relationships; and* (See at least Column 1, Line 62+, "...sort through the information generated by the masses...", sorting=prioritizing, it is obvious that sorting is defined by logic and values)

However Kaplan does not specifically disclose following limitation. But Sinclair discloses the following limitations.

- *generating an alert comprises generation an alert only if a relationship having a predetermined priority is identified.* (See at least Page 2, Paragraph 0016+, "...provide an alerting mechanism...")

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Kaplan's method/system for forecasting information as taught by Sinclair's behavior detection system to gather data and transform it to generate alerts when undesired behavior is detected. This would help the investor to efficiently and effectively manage and utilize the result generated.

Art Unit: 3691

As per Claim 65:

Combination of Kaplan and Sinclair discloses the limitations as shown in the rejections above.

Furthermore, Kaplan also discloses the following limitations:

- *identifying any accounts associated with the determined transactions and entities that meet a set of user-defined criteria; (See at least Column 3, Line 10+, "...generating a collective information for a particular item...")*

However Kaplan does not specifically disclose following limitation. But Sinclair discloses the following limitations.

- *generating an alert informing the user of the identified accounts. (See at least Page 2, Paragraph 0016+, "...provide an alerting mechanism...")*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Kaplan's method/system for forecasting information as taught by Sinclair's behavior detection system to gather data and transform it to generate alerts when undesired behavior is detected. This would help the investor to efficiently and effectively manage and utilize the result generated.

As per Claim 66:

Combination of Kaplan and Sinclair discloses the limitations as shown in the rejections above.

Furthermore, Kaplan also discloses the following limitations:

- *identifying one or more accounts that meet a set of user-defined criteria for a current month but that did not meet the set of user-defined criteria for a previous month, wherein the accounts are associated with the determined transactions and entities; (See at least Column 3, Line 10+, "...generating a collective information for a particular item...")*

However Kaplan does not specifically disclose following limitation. But Sinclair discloses the following limitations.

- *generating an alert comprising the identified accounts.* (See at least Page 2, Paragraph 0016+, "...provide an alerting mechanism...")

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Kaplan's method/system for forecasting information as taught by Sinclair's behavior detection system to gather data and transform it to generate alerts when undesired behavior is detected. This would help the investor to efficiently and effectively manage and utilize the result generated.

As per Claim 69:

Combination of Kaplan and Sinclair discloses the limitations as shown in the rejections above.

Furthermore, Sinclair also discloses the following limitations:

- *providing one or more alert visualizations associated with the transactions and the entities that exhibit the common elements to a user.* (See at least Page 4, Paragraph 0046+, "...electronic text message alert...")

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Kaplan's method/system for forecasting information as taught by Sinclair's behavior detection system to generate alert visualizations. This would help the investor to efficiently and effectively link multiple accounts and utilize the result generated.

As per Claim 70:

Combination of Kaplan and Sinclair discloses the limitations as shown in the rejections above.

Furthermore, Sinclair also discloses the following limitations:

- *assigning a score to the determined relationships;* (See at least Page 4, Paragraph 0051+, "...level z.sb.c..." = score)
- *determining an alert value associated with the alert based on the assigned score; and if the alert value is below a threshold value, automatically closing the alert.* (See at least

Art Unit: 3691

Page 4, Paragraph 0051+, "...depending o the level z.sub.c is predefined at for flagging...", flagging = alerting)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Kaplan's method/system for forecasting information as taught by Sinclair's behavior detection system to generate alert value. This would help the investor to efficiently and effectively link multiple accounts and utilize the result generated.

11. Claims 67 and 68 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kaplan and Sinclair as applied to claim 42 above, and in further view of Slater et al. (hereafter "Slater"); (US 4,114,027).

As per Claim 67:

Combination of Kaplan and Sinclair discloses the limitations as shown in the rejections above. Combination of Kaplan and Sinclair does not teach the following limitation. But, Slater discloses the following limitations:

- *identifying a household, having a plurality of associated accounts, wherein the household meets a set of user-defined criteria, wherein the household is associated with one or more of the determined transactions and entities; wherein none of the associated accounts individually meet the set of user-defined criteria; and* (See at least Column 7+, Line 48+, "...identifies of data, account...")

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Kaplan's method/system for forecasting information as taught by Slater's automated banking system to identify household with multiple accounts. This would help the investor to efficiently and effectively link multiple accounts and utilize the result generated.

In addition, Kaplan does not specifically disclose following limitation. But in addition, Sinclair discloses the following limitations.

- *generating an alert comprising the identified household.* (See at least Page 2, Paragraph 0016+, "...provide an alerting mechanism...")

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Kaplan's method/system for forecasting information as taught by Sinclair's behavior detection system to gather data and transform it to generate alerts when undesired behavior is detected. This would help the investor to efficiently and effectively manage and utilize the result generated.

As per Claim 68:

Combination of Kaplan and Sinclair discloses the limitations as shown in the rejections above. Combination of Kaplan and Sinclair does not teach the following limitation. But, Slater discloses the following limitations:

- *identifying a first set of households, wherein each household is associated with one or more accounts, wherein each household meets a set of user-defined criteria, wherein none of the accounts associated with the household individually meet the set of user-defined criteria, wherein each household in the first set is associated with one or more of the determined transactions and entities; and* (See at least Column 7+, Line 48+, "...identifies of data, account...")
- *identifying from the first set of households, a second set of households comprising households that did not meet the set of user-defined criteria in a previous month.* (See at least Column 7+, Line 50+, "...one character identifies...")

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the Kaplan's method/system for forecasting information as taught by Slater's automated banking system to identify household with multiple accounts. This would

Art Unit: 3691

help the investor to efficiently and effectively link multiple accounts and utilize the result generated.

12. Claims 73 and 74 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kaplan and Sinclair as applied to claim 42 above, and in further view of Magary et al. (hereafter "Magary"); (US 2003/0204461 A1).

As per Claims 73:

Combination of Kaplan and Sinclair discloses the limitations as shown in the rejections above. Combination of Kaplan and Sinclair does not teach the following limitation. But, Magary discloses the following limitations:

- *wherein applying the detection algorithm to identify common elements comprises determining whether the common elements are collectively indicative of a behavior that conflicts with one or more Securities Exchange Commission regulations. (See at least Page 3, Paragraph 0035, "...Compliance....SEC...requires the filing of certain information..."); (Also see at least Page 4, Paragraph 0047, "...The compliance information is reviewed...");*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the forecasting system of Kaplan the ability to review compliance of SEC regulations as taught by Magary since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per Claims 74:

Art Unit: 3691

Combination of Kaplan and Sinclair discloses the limitations as shown in the rejections above.

Combination of Kaplan and Sinclair does not teach the following limitation. But, Magary discloses the following limitations:

- *wherein applying the detection algorithm to identify common elements comprises determining whether the common elements are collectively indicative of a behavior that conflicts with one or more National Association of Securities Dealers regulations. (See at least Page 3, Paragraph 0035, "...Compliance....NASD...requires the filing of certain information..."); (Also see at least Page 4, Paragraph 0047, "...The compliance information is reviewed...");*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the forecasting system of Kaplan the ability to review compliance of NASD regulations as taught by Magary since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

13. Claims 75 and 76 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kaplan and Sinclair as applied to claim 42 above, and in further view of Lawrence (US 2002/0138417 A1).

As per Claims 75:

Combination of Kaplan and Sinclair discloses the limitations as shown in the rejections above.

Combination of Kaplan and Sinclair does not teach the following limitation. But, Lawrence discloses the following limitations:

- *wherein applying the detection algorithm to identify common elements comprises determining whether the common elements are collectively indicative of an illegal financial activity. (See at least Page 6, Paragraph 0065, "...detection...fraud....illegal activities...")*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the forecasting system of Kaplan the ability to detect illegal activities as taught by Lawrence since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per Claims 76:

Combination of Kaplan and Sinclair discloses the limitations as shown in the rejections above. Combination of Kaplan and Sinclair does not teach the following limitation. But, Lawrence discloses the following limitations:

- *wherein applying the detection algorithm to identify common elements comprises determining whether the common elements are collectively indicative of a fraudulent financial activity. (See at least Page 6, Paragraph 0065, "...detection...fraud...illegal activities...")*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the forecasting system of Kaplan the ability to detect fraud activities as taught by Lawrence since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

14. Claims 59 and 77 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kaplan and Sinclair as applied to claim 42 above, and in further view of Bleunven et al. (hereafter "Bleunven"); (US 2004/0107157 A1).

As per Claim 59:

Combination of Kaplan and Sinclair discloses the limitations as shown in the rejections above. Combination of Kaplan and Sinclair does not teach the following limitation. However, Bleunven discloses the following limitations:

- *one or more of the plurality of transactions involve one or more customers of a securities brokerage and securities representatives; the behavior of interest comprises rapid switching of one mutual fund for another mutual fund; and the received data comprises fund purchase date, mutual fund sale date and solicitation records. (See at least Page 3, Paragraph 0034, "...mutual fund client...which fund manager will sub-allocate swaps...");*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the forecasting system of Kaplan the ability to characterize risk as mutual fund exchange as taught by Bleunven since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per Claims 77:

Combination of Kaplan and Sinclair discloses the limitations as shown in the rejections above. Combination of Kaplan and Sinclair does not teach the following limitation. But, Bleunven discloses the following limitations:

Art Unit: 3691

- *wherein: accessing a scenario library to identify a detection algorithm for identifying a behavior of interest indicative of a risk to a brokerage or its investors comprises identifying rapid switching of a first mutual fund for a second mutual fund, wherein one or more of the plurality of transactions is a solicited transaction involving one or more customers of a securities brokerage and one or more securities representatives, wherein the solicited transaction is solicited by the securities representative, wherein proceeds associated with the switching are at least a percentage of a value of the first mutual fund.* (See at least Page 3, Paragraph 0034, "...mutual fund client...which fund manager will sub-allocate swaps..."); (Also see at least Page 1, Paragraph 0009, "...the mutual fund managers can offer investors...");

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the forecasting system of Kaplan the ability to characterize risk as mutual fund exchange as taught by Bleunven since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

15. Claims 78 and 79 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Kaplan and Sinclair as applied to claim 42 above, and in further view of Horan et al. (hereafter "Horan") (US 2003/0225663 A1) and **Official Notice**.

As per Claims 78:

Combination of Kaplan and Sinclair discloses the limitations as shown in the rejections above. Combination of Kaplan and Sinclair does not teach the following limitation. But, Horan discloses the following limitations:

- *the behavior of interest comprises: selling, by a customer of a securities brokerage, a first mutual fund within six months of purchasing the first mutual fund, and using proceeds*

Art Unit: 3691

from the selling to buy a second mutual fund; and one or more of the following is solicited by a securities representative: sale of the first mutual fund, and purchase of the second mutual fund. (See at least Page 4, Paragraph 0058, "...sell...mutual funds...use the proceeds to buy other futures, securities...")

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the forecasting system of Kaplan the ability to recognize exchange of mutual funds as taught by Horan since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Finally, combination of Kaplan, Sinclair, and Horan specifically does not mention setting a time limit. However examiner takes **Official Notice** that it is well known in the art to set time limit ("*...within six months...*") when trading securities. This is seen when "e*trade" or other trading tools gives the user to set trading rules.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kaplan's method/system for forecasting information to set time limit when trading securities. This would help the investors to effectively manage the investment.

As per Claims 79:

Combination of Kaplan and Sinclair discloses the limitations as shown in the rejections above. Combination of Kaplan and Sinclair does not teach the following limitation. But, Horan discloses the following limitations:

- *selling, by a customer of a securities brokerage, a first mutual fund wherein proceeds from selling are used to purchase a second mutual fund, wherein one or more of the selling and the purchase are solicited by a securities representative; proceeds from selling the first mutual fund are at least \$10,000; (See at least Page 4,*

Art Unit: 3691

Paragraph 0058, "...sell...mutual funds...use the proceeds to buy other futures, securities...")

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the forecasting system of Kaplan the ability to recognize exchange of mutual funds as taught by Horan since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Finally, combination of Kaplan, Sinclair, and Horan specifically does not mention setting a minimum profit limit. However examiner takes **Official Notice** that it is well known in the art to set minimum profit limit ("...*at least \$10,000...*") when trading securities. This is seen when "e*trade" or other trading tools gives the user to set trading rules.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kaplan's method/system for forecasting information to set minimum profit limit when trading securities. This would help the investors to effectively manage the investment.

Art Unit: 3691

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Edward Chang** whose telephone number is **571.270.3092**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **ALEXANDER KALINOWSKI** can be reached at **571.272.6771**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

Randolph Building
401 Dulany Street
Alexandria, VA 22314.

November 06, 2009
/Edward Chang/ Examiner, Art Unit 3691

/Lalita M Hamilton/
Primary Examiner, Art Unit 3691